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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92062864
Party	Plaintiff adidas AG
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Date	01/19/2016
Attachments	2016-01-19 adidas_Cougar Sport Motion to Consolidate and Suspend TTAB Proceedings.pdf(201287 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

adidas AG and adidas America Inc.,

Opposers/Petitioners,

v.

Cougar Sport, Inc.,


Applicant/Registrant.


Opposition No. 91225329

Cancellation No. 92062864

**JOINT MOTION TO CONSOLIDATE OPPOSITION NO. 91225329
AND CANCELLATION NO. 92062864 AND TO
SUSPEND THE CONSOLIDATED PROCEEDING**

Opposers/Petitioners adidas AG and adidas America Inc. (“adidas”) and Applicant/Registrant Cougar Sport, Inc. (“Cougar”) jointly move the Board pursuant to TBMP §511 and Fed R. Civ. P. 42(a) to consolidate Opposition No. 91225329 and Cancellation No. 92062864. The following table summarizes the relevant facts regarding the two proceedings:

Proceeding No./ Serial No. or Reg. No.	Mark	Applicant/ Registrant	Goods	Deadline to Answer/ Discovery Opens/Discovery Closes
91225329/ 86/681,902		Cougar Sport, Inc.	Class 25: Clothing, namely, pants, shirts, shorts, and jackets	January 23, 2016/ February 22, 2016/ August 20, 2016

92062864/ 4,733,403		Cougar Sport, Inc.	Class 25: Pants, shirts, shorts, jackets	February 5, 2016/ March 6, 2016/ September 2, 2016
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Consolidation of these proceedings is appropriate because they involve the same Applicant/Registrant, related marks, and related goods, as well as common questions of law and fact. The answer and discovery deadlines for both proceedings are similar, and in fact, no answer has been filed nor any discovery exchanged up to this point. Therefore, such consolidation will tend to avoid unnecessary duplication of effort for the Board and the parties and would not be prejudicial to the parties.

In addition, adidas and Cougar Sport, for good cause, jointly move the Board pursuant to 37 C.F.R. §2.117(a) and TBMP §510.02(a) to suspend the consolidated proceeding pending the disposition of the civil action styled *adidas America, Inc. and adidas AG v. Cougar Sport, Inc.*, Civil Action No. 3:15-cv-01856-SI, currently pending in the United States District Court for the District of Oregon (the “Civil Action”).

In the Civil Action, adidas asserts, *inter alia*, a claim for trademark infringement regarding Cougar Sport’s use of marks which adidas alleges are confusingly similar to its Three-Stripe Mark, including the marks underlying Supplemental Reg. No. 4,733,403 and Serial No. 86/681,902. The Civil Action may have a bearing on this proceeding because it involves issues in common with those in this proceeding. Accordingly, the parties respectfully request suspension of the consolidated proceeding pending the outcome of the Civil Action.

Dated: January 19, 2016

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Joint Motion to Consolidate Opposition No. 91225329 and Cancellation No. 92062864 and to Suspend has been served on Cougar Sport, Inc. by mailing said copies on January 19, 2016, via first class mail, postage prepaid, and addressed as follows:

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/Kris Teilhaber/
Kris Teilhaber